

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 11, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MORRIS BRUCE JACKSON,

Defendant.

No. 1:19-CR-2039-SMJ

**ORDER REGARDING SCHEDULE
FOR SENTENCING**

****SEALED/RESTRICTED****

On this day, Defendant, accompanied by his attorney, Kenneth Therrien, appeared and pleaded guilty or was found guilty in this matter. The Government was represented by Richard Burson, Assistant United States Attorney.

IT IS ORDERED that the date of the SEALED sentencing is **Tuesday, March 23, 2021, at 9:00 AM** in **YAKIMA**. If a sentence of incarceration is imposed, Defendant shall be placed in custody at the time of sentencing. Sentencing will be scheduled for a total of forty-five (45) minutes. If it is believed that the sentencing hearing will last longer, counsel shall contact Chambers within fourteen (14) days of disclosure of the presentence investigation report. Pending sentencing, Defendant's detention status or release status shall remain pursuant to this court's previous order. The United States Probation Office shall prepare a

1 timely presentence investigation report that will comply with the following
2 schedule:

3 1. Not less than **thirty-five (35) days** prior to the sentencing hearing, the
4 probation officer shall disclose the pre-sentence investigation report to the
5 Defendant, counsel for Defendant, and the Government.

6 Within **fourteen (14) days** of the disclosure of the pre-sentence
7 investigation report, counsel shall file with the Court and communicate in writing
8 to the probation office any objections they may have as to factual errors or
9 omissions; sentencing classifications; sentencing guideline ranges; and policy
10 statements contained in or omitted from the report. Such communication may be
11 oral initially but shall immediately be confirmed in writing to the probation officer
12 and opposing counsel.

13 Also within **fourteen (14) days** of disclosure of the presentence
14 investigation report, counsel shall file and serve all motions and memoranda
15 pertaining to Defendant's sentence, including motions for downward or upward
16 departures. Counsel shall utilize the following format when preparing initial
17 memoranda which are limited to twenty pages (absent prior Court permission to
18 file an overlength brief): I. Base Offense Level & Enhancements, II. Departures,
19 III. 18 U.S.C. 3553(a). Under the "Base Offense Level & Enhancements" section,
20 counsel shall discuss whether the PSIR's Total Offense Level calculations (not

1 including departures) are correct or incorrect, providing legal authority for the
2 party's position. Under the "Departure" section, counsel shall discuss whether a
3 downward and/or upward departure is warranted under the Guidelines and provide
4 legal authority for such position. Under the "18 U.S.C. 3553(a)" section, counsel
5 shall discuss whether the resulting guideline range provides a reasonable sentence
6 sufficient, but not greater than necessary, to comply with the purposes set forth in
7 18 U.S.C. 3553(a)(2), considering the other factors listed in 3553(a). The parties
8 are limited to one reply of no more than 7 pages. No other pleadings are allowed
9 without advance permission of the Court. **FAILURE TO FILE AND SERVE A**
10 **MOTION FOR DOWNWARD DEPARTURE WITHIN 14 DAYS OF**
11 **RECEIPT OF THE PRESENTENCE INVESTIGATION REPORT WILL**
12 **BE DEEMED A WAIVER OF THE RIGHT TO DO SO.** The time frame for
13 filing and serving responses to such motions shall be governed by Local Criminal
14 Rule 45. Any request with regard to self-reporting shall be made to the probation
15 office at the same time any objections/motions are filed.

16 2. After receiving counsel's objections, the probation officer shall conduct
17 any further investigation and make any revisions to the presentence report that
18 may be necessary. The probation officer may require counsel for both parties to
19 meet with the officer to discuss unresolved factual and legal issues, and counsel
20 shall make themselves available for that purpose.

1 3. At least **ten (10) days** prior to the date of the sentencing hearing the
2 probation officer shall submit the presentence report to the sentencing judge. The
3 report shall be accompanied by an addendum setting forth any objections counsel
4 may have made, including those that have not been resolved, together with the
5 officer's comments and recommendations thereon. The probation officer shall
6 certify that the contents of the report other than sentencing recommendations,
7 including any revisions or addenda, have been disclosed to counsel for Defendant
8 and the Government, and that the addendum fairly states any remaining
9 objections.

10 4. Except with regard to any written objection made under subdivision (a),
11 the report of the presentence investigation and computations shall be accepted by
12 the Court as accurate. For good cause shown, however, the court may allow a
13 new objection to be raised at any time before the imposition of sentence. In
14 resolving disputed issues of fact, the court may consider any reliable information
15 presented by the probation officer, Defendant, or the Government.

16 5. Nothing in this rule requires the disclosure of any portions of the
17 presentence report that are not disclosable under Rule 32 of the Federal Rules of
18 Criminal Procedure.


19 6. The presentence report shall be deemed to have been disclosed (1) when
20 a copy of the report is physically delivered; or (2) one day after the availability of

1 the report for inspection is orally communicated; or (3) three days after a copy of
2 the report, or notice of its availability is mailed to counsel, whichever date is
3 earlier.

4 7. Following sentencing, Defendant shall be taken into the custody of the
5 United States Marshal Service unless (1) Defendant has been released prior to
6 sentencing, (2) Defendant specifically requests the opportunity to self-report, and
7 (3) Defendant demonstrates that he is a candidate for self-reporting. If Defendant
8 requests the opportunity to self-report, Defendant must demonstrate the financial
9 ability to travel to a facility on the East Coast.

10 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this order
11 and to provide copies to counsel, the U.S. Probation Office, and the U.S. Marshals
12 Service.

13 **DATED** this 11th day of June 2020.

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15 SALVADOR MENDOZA, JR.
16 United States District Judge
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